IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 15921 of 2007(U)

PETITIONER:

V.M.ANIL KUMAR, NURSE (HIGHER GRADE),
GOVERNMENT HOMOEO HOSPITAL, NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.RAMAKUMAR
SRI.R.JAYACHANDRAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF HOMOEOPATHY
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HOMOEOPATHY,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 15921 of 2007-U

Dated this the 11th day of June, 2007.

J U D G M E N T

The petitioner is a Nurse (Higher Grade), working in the Homoeopathy Department. He was working at the Government Homoeopathy Hospital Neyyattinkara. He was desirous of getting a transfer to Ernakulam District and he has filed Ext.P3 representation praying that he may be posted to one of the Homoeopathy Hospitals at North Paravur, or Ernakulam or Muvattupuzha. But, instead of posting to Ernakulam he has been transferred to Thiruvananthapuram, by Ext.P4. So, this writ petition is filed challenging Ext.P4 and seeking consequential reliefs. As directed by this Court, a statement has been filed on behalf of the second respondent. The relevant portion of the statement reads as follows:

> " Though the petitioner requested for a transfer to the above three places in the order of preference he could not be given transfer to these places as there was no existing vacancies in these places at the time of processing the general transfer. The petitioner will be transferred and posted to the district of his choice as and when vacancy arises, after considering the various claims for those vacancies.
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> The petitioner was transferred and posted to Govt. Homoeo Hospital, Thiruvananthapuram from Govt. Homoeo

Hospital, Neyyattinkara (Thiruvananthapuram District) due to the following administrative reasons.

> *Thiruvananthapuram Govt. Homoeo Hospital is hundred bedded and the total posts of Nurse is seven including a Nursing Superintendent. But the existing Nurses are four in number while on General Transfer-2007. Among them one J.Chandrika, Nurse below two years to retire has requested to transfer to Govt. Homoeo Hospital, Neyyattinkara, her native place. So department entertained her request.*

In the above circumstances, the petitioner was transferred and posted to Govt. Homoeo Hospital, Thiruvananthapuram. The department felt it necessary to effect this transfer for the smooth functioning of the hospital."

Recording the submission of the second respondent that the petitioner's claim for being posted to Ernakulam will be considered as and when vacancy arises, is recorded and the Writ Petition is disposed of.

K.BALAKRISHNAN NAIR,
JUDGE.

MS